

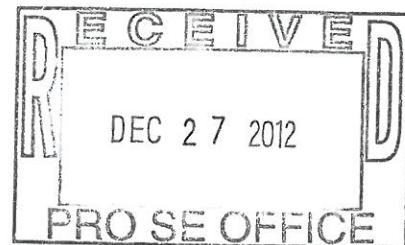
12 CV 9462

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Marc Pierre

Plaintiff,

Against



DOC # 2

**COMPLAINT
PLAINTIFF DEMANDS TRIAL BY
JURY**

THE CITY OF NEW YORK;

P.O. Faust
Sgt Pirazzzi
DOES 1-10

Take notice, I, the Plaintiff, Marc Pierre, hereby appears in this action of my own free will and volition. Any manner of questions or demands pertaining to this action may be served to me at this address 727 Knickerbocker Ave. 3d. Flr, Brooklyn, N.Y. 11212.

NATURE OF THE ACTION

1. This is an action at law to redress the deprivation of rights secured to me under the color of law, statute, ordinance, regulation, custom, and or to redress the deprivation of rights, privileges, and immunities secured to me by the First, Fourth, Eighth, Ninth, and Tenth Amendments to the Constitution of the United States, and by Title 42 U.S.C. 1983 and 1985, [and arising under the law and statutes of the State of New York].

2. This is an action to further seek compensation for the serious and continuous injuries sustained by I, the Plaintiff, as duly noted in court case no. 11 CV 0782, as a result of the negligence of the Defendants, perpetrated while said Defendants' police officers were in the process of illegally and unlawfully arresting plaintiff.

JURISDICTION

1. The jurisdiction of this court is invoked under 28 U.S.C. 1343(3), this being an action authorized by law to redress the deprivation of rights secured under color of state and city law, statute, ordinance, regulation, custom and usage of a right, privilege and immunity secured to the plaintiff by the by the Fourth, Eighth, Ninth, and Tenth Amendment to the Constitution of the United States.
2. All causes of action not relying exclusively on the aforementioned federal causes of action as a basis of this Court's jurisdiction are based on the Court's supplemental jurisdiction pursuant to 28 U.S.C. 1337 to hear state law causes of action. The events, parties, transactions and injuries that form the basis of plaintiff's federal claims are identical to the events, parties, transactions, and injuries that form the basis of plaintiff's claims under applicable State and City laws.
3. As the deprivation of rights complained of herein occurred within the Southern District of New York, venue is proper in this district pursuant to 28 U.S.C. 1331(b) and (c).

PARTIES

1. Plaintiff Marc Pierre resides in Kings County and is a resident of the State of New York.

2. Defendants Police Officers are, and at all times relevant to this action were, officers of the City of New York Police Department and acting under color of state law. Said officers are being sued in both their individual and official capacities.
3. Defendant Officers Doe are unknown police officers for the City of New York, acting under color of state law. They are being sued in both their individual and official capacity.
4. Officer Faust at all times relevant to this action was a police officer with the City of New York Police Department and acting under color of law. He is being sued in both his individual and official capacity.
5. The Defendant, City of New York is a municipality in the State of New York and employs the Defendants Police Officers.

FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. On December 12, 2012 while setting up my stand on Flatbush Ave, County of Kings, State of New York, I was approached by Officer Faust who asked to see my general vendor license.
2. I explained to Officer Faust that I didn't need a license to sell from the City of New York because it's a corporation and that I was operating in my sovereign capacity with unalienable rights.
3. I further explained to Officer Faust that he didn't have any jurisdiction over me since he works for the City of New York which is a corporation.

4. Officer Faust then asked me to see my I.D. at which point I told him that I had waived all benefits from said corporation so I didn't have an I.D.. I then handed him my Affidavit of Truth.
5. I also stated to Officer Faust that I wasn't the straw-man he was looking for but a living man and I didn't want to enter into contract with him.
6. He then looked over my Affidavit of Truth and said he didn't know if that was actually me. I told him it was notarized and that it was my affidavit of truth.
7. At this point he stated that he couldn't verify if that was me because anybody could of got that notarized and said it was them. At which point he began to call back-up on his walkie-talkie.
8. When back-up arrived I showed them my Affidavit of Truth and explained to them the same thing which I had stated to officer Faust. I also told them that I was now under threat, duress, and coercion, and if they arrested me, and it turned out I was correct, and the case got dismissed I would sue them for 5 million dollars.
9. After which Sgt Pirozzi told me that I didn't have a license or I.D. and had no right to be there and then his officers proceeded to handcuff me in a manner which left indentations on my wrists.
10. I was then taken to the police precinct before being processed through central booking.
At the precinct I stated that I was operating in my sovereign capacity and would sue them for violating my unalienable rights at which point the officers in the precinct began to clown and make fun of me.
11. I was charged with unlicensed vending.

12. I was processed through central booking, and after being duly detained at central booking, I told the legal aide and court officer that I was operating in my sovereign capacity and revoked domicile which gave the city the right to exercise power over my straw-man. I also showed them my Affidavit f truth. After a long wait I was taken before a judge and my case was dismissed.

13. After approximately 30 hours in jail, I was released.

14. That even though the defendant police officers knew, or should have known, based on the facts that no crime had been committed, or there was there a reason to stop and incriminate me, they still proceeded to arrest , charge me and assault and incarcerate me just to intimidate me, further aggravating my injuries.

15. At no time did I commit any offense against the laws of New York City and or State for which an arrest may be lawfully made.

16. As a direct and proximate result of defendants' actions, and as duly noted in court case no. 11 CV 0782, due to the continuous malicious of prosecution with or without a General Vendors License, I suffered and continue to suffer injuries, including but not limited to emotional distress, loss of income, nightmares, panic attacks, mental anguish and unwarranted severe anger bouts some or all of which may be permanent.

17. My arrest and wrongful imprisonment because of defendants' knowledge of a lack of any legitimated cause or justification, were intentional, unlawful, malicious, reckless and in bad faith.

18. As a direct and proximate result of my continuous unlawful detention, assault, confinement, as duly noted in court case no. 11 CV 0782, I have lived in terror of their

attack, and continue to suffer various emotional attacks, in addition, and have have suffered loss of income, been unable to function normally which has caused a severe strain and breakdown in my personal relationships, in and outside of my home.

19. As a direct and proximate result of defendants' actions, I was arrested, detained without just or probable cause.
20. As a direct and proximate result of defendants' actions, I was deprived of rights, privileges and immunities under the First, Fourth, Eighth, Ninth and Tenth Amendments to the United States Constitution and the laws of the City of New York and the State of New York.
21. Defendant City of New York, as duly noted in court case no. CV 11 0782, as a matter of policy and practice, has with deliberate indifference failed to properly sanction or discipline police officers including the defendants in this case, for the continuous violations of the constitutional rights of citizens, thereby causing police officers including defendants in this case, to continuously engage in unlawful conduct.
22. Defendant City of New York, as duly noted in court case no. CV 11 0782, as a matter of policy and practice, has with deliberate indifference failed to sanction or discipline police officers including the defendants in this case, who are aware of and subsequently conceal violations of the constitutional rights of citizens by other police officers thereby causing and encouraging police officers including defendants in this case, to engage in unlawful conduct.
23. The actions of defendants, acting under color of State law, deprived me of my rights, privileges and immunities under the laws and Constitution of the United States; in

particular, the rights to be secure in his person and property, to be free from excessive use of force and from malicious prosecution, abuse of process, and the right to due process.

24. By these actions, defendants have deprived me of rights secured by the Fourth, Eighth, Ninth, Tenth Amendments to the United States Constitution, and The Commerce Act in violation of 42 U.S.C. Section 1983.

25. The actions of defendants, acting under Color of Law, deprived me of unalienable rights endowed to all men by the All-Mighty Creator which is the basis all Law. Sovereignty resides with the people as stated in the Ninth and Tenth Amendments. Because I was operating in my sovereign capacity when said defendants detained me, and stated thus, all of their actions are rendered null and void. If ever the law of the All-Mighty Creator and man are at variance, the former are to be obeyed in derogation of the latter.[Acts 5:29]

26. Consent makes the Law. A contract is a law between the parties, which can acquire force only by consent. I never consented to any of the actions said defendants exercised over me. Said defendants did enter into a contract with me when I stated that I felt that I was under threat, duress, coercion, and if they unlawfully detained and it was dismissed I would sue them in civil court for five million dollars. This contract was made valid when the Defendants voluntarily and unlawfully detained me.

27. This action has been commenced within six months after the happening of the event upon which the claim is based.

AS A FIRST CAUSE OF ACTION:

42 U.S.C. Section 1983

Against all Defendants

1. I hereby re-state, all paragraphs above of this complaint, as though fully set forth below.
2. By detaining and imprisoning me on December 12, 2012 without justification, probable cause or reasonable suspicion, using excessive force, and assaulting him, the Officers, Defendants deprived me of rights, remedies, privileges, and immunities guaranteed in the Constitution, in violation of 42 U.S.C. Section 1983, including, but not limited to rights guaranteed by the First, Fourth, Eighth, Ninth, Tenth Amendments of the United States Constitution and the Commerce Act.
3. In addition, the Defendants conspired among themselves to deprive me of my constitutional rights secured by 42 U.S.C. Section 1983, and by the First, Fourth, Eighth, Ninth, Tenth Amendments if the United States Constitution and The Commerce Act.
4. The defendant acted under pretense and color of state law and in their individual and official capacities and within the scope of their respective employment as NYPD Officers were beyond the scope of their jurisdiction, without authority of law, and in abuse of their powers, and said Defendants acted willfully, knowingly, and with the specific intent to deprive the Plaintiff of his constitutional rights secured by 42 U.S.C. Section 1983, and by the Fourth, Eighth, Ninth, Tenth Amendments to the United States Constitution and The Commerce Act.
5. As a direct and proximate result of the misconduct and abuse of authority detailed above, I have sustained the damages herein before stated.